



General Assembly

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Amendment

LCO No. 5354



Offered by:

REP. FLEISCHMANN, 18th Dist.

REP. LAVIELLE, 143rd Dist.

REP. MCCARTHY VAHEY, 133rd Dist.

REP. KUPCHICK, 132nd Dist.

REP. SLAP, 19th Dist.

REP. HAMPTON, 16th Dist.

SEN. BOUCHER, 26th Dist.

SEN. BYE, 5th Dist.

To: Subst. House Bill No. 5452

File No. 257

Cal. No. 190

"AN ACT CONCERNING THE RECOMMENDATIONS OF THE TASK FORCE ON LIFE-THREATENING FOOD ALLERGIES IN SCHOOLS."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 10-212c of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2018*):

5 (a) (1) Not later than July 1, 2012, the Department of Education, in
6 conjunction with the Department of Public Health, shall develop [and
7 make available to each local and regional board of education]
8 guidelines for the management of students with life-threatening food
9 allergies and glycogen storage disease. The Department of Education
10 shall make the guidelines available to each local and regional board of
11 education. The guidelines shall include, but need not be limited to:

12 [(1)] (A) Education and training for school personnel on the
13 management of students with life-threatening food allergies and
14 glycogen storage disease, including training related to the
15 administration of medication with a cartridge injector pursuant to
16 subsection (d) of section 10-212a, as amended by this act, and the
17 provision of food or dietary supplements, [(2)] (B) procedures for
18 responding to life-threatening allergic reactions to food, [(3)] (C) a
19 process for the development of individualized health care and food
20 allergy action plans for every student with a life-threatening food
21 allergy, [(4)] (D) a process for the development of individualized
22 health care and glycogen storage disease action plans for every student
23 with glycogen storage disease and such plan shall include, but not be
24 limited to, the provision of food or dietary supplements by the school
25 nurse, or any school employee approved by the school nurse, to a
26 student with glycogen storage disease provided such plan shall not
27 prohibit a parent or guardian, or a person designated by such parent
28 or guardian, to provide food or dietary supplements to a student with
29 glycogen storage disease on school grounds during the school day, and
30 [(5)] (E) protocols to prevent exposure to food allergens.

31 (2) Not later than January 1, 2020, in addition to the requirements in
32 subdivision (1) of this subsection, the Department of Education, in
33 consultation with the Department of Public Health, shall revise such
34 guidelines to include (A) training for the identification and evaluation
35 of students with life-threatening food allergies or glycogen storage
36 disease, and (B) protocols that comply with the protections and
37 accommodations under Section 504 of the Rehabilitation Act of 1973, as
38 amended from time to time, the Individuals with Disabilities
39 Education Act, 20 USC 1400 et seq., as amended from time to time, and
40 the Americans with Disabilities Act, 42 USC 12101 et seq.

41 (3) Not later than January 1, 2020, and biennially thereafter, the
42 Department of Education, in consultation with the Department of
43 Public Health, shall review and update as the Commissioner of
44 Education deems necessary, the guidelines for the management of
45 students with life-threatening food allergies and glycogen storage

46 disease. The department shall make any such updated guidelines
47 available to each local and regional board of education.

48 (b) Not later than August 15, 2012, each local and regional board of
49 education shall: (1) Implement a plan based on the guidelines
50 developed pursuant to subsection (a) of this section for the
51 management of students with life-threatening food allergies and
52 glycogen storage disease enrolled in the schools under its jurisdiction;
53 (2) make such plan available on such board's Internet web site or the
54 Internet web site of each school under such board's jurisdiction, or if
55 such Internet web [sites do] site does not exist, make such plan
56 publicly available through other practicable means as determined by
57 such board; and (3) provide notice of such plan in conjunction with the
58 annual written statement provided to parents and guardians as
59 required by subsection (b) of section 10-231c. The superintendent of
60 schools for each school district shall annually attest to the Department
61 of Education that such school district is implementing such plan in
62 accordance with the provisions of this section.

63 Sec. 2. (*Effective from passage*) Not later than January 1, 2020, the
64 Department of Education shall (1) update the Healthy and Balanced
65 Living Curriculum Framework, issued by the department in 2006, to
66 include life-threatening food allergies, (2) update any culinary arts
67 programs or curriculum standards related to the National Family and
68 Consumer Sciences Standards adopted by the State Board of Education
69 to include dietary restrictions, cross-contamination and allergen
70 identification, and (3) apply for any available federal or private
71 funding, in consultation with the Department of Public Health, to
72 promote public awareness and education about food allergies.

73 Sec. 3. (NEW) (*Effective July 1, 2018*) (a) As used in this section:

74 (1) "Carrier" has the same meaning as provided in section 14-212 of
75 the general statutes;

76 (2) "School bus driver" means any person who holds a commercial
77 driver's license with a public passenger endorsement to operate a

78 school bus pursuant to subsection (a) of section 14-44 of the general
79 statutes;

80 (3) "School bus" has the same meaning as provided in section 14-1 of
81 the general statutes; and

82 (4) "Cartridge injector" means an automatic prefilled cartridge
83 injector or similar automatic injectable equipment used to deliver
84 epinephrine in a standard dose for emergency first aid response to
85 allergic reactions.

86 (b) (1) Not later than June 30, 2019, each carrier shall provide the
87 training described in subsection (c) of this section to all of its school
88 bus drivers.

89 (2) On and after July 1, 2019, each carrier shall provide the training
90 described in subsection (c) of this section to a school bus driver as
91 follows:

92 (A) In the case of a school bus driver who is employed by such
93 carrier, such training shall be provided to such school bus driver
94 following the issuance or renewal of a public passenger endorsement
95 to operate a school bus pursuant to subsection (a) of section 14-44 of
96 the general statutes, to such school bus driver; and

97 (B) In the case of a school bus driver who is not employed by such
98 carrier at the time when such endorsement is issued or renewed to
99 such school bus driver, upon the hiring of such school bus driver by
100 such carrier, except such carrier shall not be required to provide such
101 training to any school bus driver who has previously received such
102 training following the most recent issuance or renewal of such
103 endorsement to such school bus driver.

104 (c) The training required under this section shall include, but need
105 not be limited to, instruction on (1) the identification of the signs and
106 symptoms of anaphylaxis, (2) the administration of epinephrine by a
107 cartridge injector, (3) the notification of emergency personnel, and (4)

108 the reporting of an incident involving a student and a life-threatening
109 allergic reaction. Such training may be completed using an online
110 module, provided such online module meets the requirements of this
111 section.

112 Sec. 4. Subdivision (2) of subsection (a) of section 10-212a of the
113 general statutes is repealed and the following is substituted in lieu
114 thereof (*Effective July 1, 2018*):

115 (2) Each local and regional board of education that allows a school
116 nurse or, in the absence of such nurse, any other nurse licensed
117 pursuant to the provisions of chapter 378, including a nurse employed
118 by, or providing services under the direction of a local or regional
119 board of education at, a school-based health clinic, who shall
120 administer medical preparations only to students enrolled in such
121 school-based health clinic in the absence of a school nurse, the
122 principal, any teacher, licensed athletic trainer, licensed physical or
123 occupational therapist employed by a school district, coach of
124 intramural and interscholastic athletics or school paraprofessional of a
125 school to administer medicine or that allows a student to possess, self-
126 administer or possess and self-administer medicine, including
127 medicine administered through the use of an asthmatic inhaler or an
128 automatic prefilled cartridge injector or similar automatic injectable
129 equipment, shall adopt written policies and procedures, in accordance
130 with this section and the regulations adopted pursuant to subsection
131 (c) of this section, that shall be approved by the school medical
132 advisor, if any, or other qualified licensed physician. Once so
133 approved, such administration of medication shall be in accordance
134 with such policies and procedures.

135 Sec. 5. Subsection (c) of section 10-212a of the general statutes is
136 repealed and the following is substituted in lieu thereof (*Effective July*
137 *1, 2018*):

138 (c) The State Board of Education, in consultation with the
139 Commissioner of Public Health, shall adopt regulations, in accordance

140 with the provisions of chapter 54, determined to be necessary by the
141 board to carry out the provisions of this section, including, but not
142 limited to, regulations that (1) specify conditions under which a coach
143 of intramural and interscholastic athletics may administer medicinal
144 preparations, including controlled drugs specified in the regulations
145 adopted by the commissioner, to a child participating in such
146 intramural and interscholastic athletics, (2) specify conditions and
147 procedures for the administration of medication by school personnel to
148 students, including the conditions and procedures for the storage and
149 administration of epinephrine by school personnel to students for the
150 purpose of emergency first aid to students who experience allergic
151 reactions and who do not have a prior written authorization for the
152 administration of epinephrine, in accordance with the provisions of
153 subdivision (2) of subsection (d) of this section, and (3) specify
154 conditions for the possession, self-administration or possession and
155 self-administration of medication by students, including permitting a
156 child diagnosed with: (A) Asthma to retain possession of an asthmatic
157 inhaler at all times while attending school for prompt treatment of the
158 child's asthma and to protect the child against serious harm or death
159 provided a written authorization for self-administration of medication
160 signed by the child's parent or guardian and an authorized prescriber
161 is submitted to the school nurse; and (B) an allergic condition to retain
162 possession of an automatic prefilled cartridge injector or similar
163 automatic injectable equipment at all times, including while attending
164 school or receiving school transportation services, for prompt
165 treatment of the child's allergic condition and to protect the child
166 against serious harm or death provided a written authorization for
167 self-administration of medication signed by the child's parent or
168 guardian and an authorized prescriber is submitted to the school
169 nurse. The regulations shall require authorization pursuant to: (i) The
170 written order of a physician licensed to practice medicine in this or
171 another state, a dentist licensed to practice dental medicine in this or
172 another state, an advanced practice registered nurse licensed under
173 chapter 378, a physician assistant licensed under chapter 370, a
174 podiatrist licensed under chapter 375, or an optometrist licensed under

175 chapter 380; and (ii) the written authorization of a parent or guardian
176 of such child.

177 Sec. 6. Subsection (d) of section 10-212a of the general statutes is
178 repealed and the following is substituted in lieu thereof (*Effective July*
179 *1, 2018*):

180 (d) (1) (A) With the written authorization of a student's parent or
181 guardian, and (B) pursuant to the written order of a qualified medical
182 professional, a school nurse and a school medical advisor, if any, may
183 jointly approve and provide general supervision to an identified
184 school paraprofessional to administer medication, including, but not
185 limited to, medication administered with a cartridge injector, to a
186 specific student with a medically diagnosed allergic condition that
187 may require prompt treatment in order to protect the student against
188 serious harm or death.

189 (2) A school nurse or, in the absence of a school nurse, a qualified
190 school employee shall maintain epinephrine in cartridge injectors for
191 the purpose of emergency first aid to students who experience allergic
192 reactions and do not have a prior written authorization of a parent or
193 guardian or a prior written order of a qualified medical professional
194 for the administration of epinephrine. A school nurse or a school
195 principal shall select qualified school employees to administer such
196 epinephrine under this subdivision, and there shall be at least one such
197 qualified school employee on the grounds of the school during regular
198 school hours in the absence of a school nurse. A school nurse or, in the
199 absence of such school nurse, such qualified school employee may
200 administer such epinephrine under this subdivision, provided such
201 administration of epinephrine is in accordance with policies and
202 procedures adopted pursuant to subsection (a) of this section. Such
203 administration of epinephrine by a qualified school employee shall be
204 limited to situations when the school nurse is absent or unavailable.
205 No qualified school employee shall administer such epinephrine under
206 this subdivision unless such qualified school employee annually
207 completes the training program described in section 10-212g. The

208 parent or guardian of a student may submit, in writing, to the school
209 nurse and school medical advisor, if any, that epinephrine shall not be
210 administered to such student under this subdivision.

211 (3) In the case of a student with a medically diagnosed life-
212 threatening allergic condition, (A) with the written authorization of
213 such student's parent or guardian, and (B) pursuant to the written
214 order of a qualified medical professional, such student may possess,
215 self-administer or possess and self-administer medication, including,
216 but not limited to, medication administered with a cartridge injector,
217 to protect such student against serious harm or death.

218 [(3)] (4) For purposes of this subsection, (A) "cartridge injector"
219 means an automatic prefilled cartridge injector or similar automatic
220 injectable equipment used to deliver epinephrine in a standard dose
221 for emergency first aid response to allergic reactions, (B) "qualified
222 school employee" means a principal, teacher, licensed athletic trainer,
223 licensed physical or occupational therapist employed by a school
224 district, coach or school paraprofessional, and (C) "qualified medical
225 professional" means (i) a physician licensed under chapter 370, (ii) an
226 optometrist licensed to practice optometry under chapter 380, (iii) an
227 advanced practice registered nurse licensed to prescribe in accordance
228 with section 20-94a, or (iv) a physician assistant licensed to prescribe in
229 accordance with section 20-12d.

230 Sec. 7. Section 52-557b of the general statutes is repealed and the
231 following is substituted in lieu thereof (*Effective July 1, 2018*):

232 (a) A person licensed to practice medicine and surgery under the
233 provisions of chapter 370 or dentistry under the provisions of section
234 20-106 or members of the same professions licensed to practice in any
235 other state of the United States, a person licensed as a registered nurse
236 under section 20-93 or 20-94 or certified as a licensed practical nurse
237 under section 20-96 or 20-97, a medical technician or any person
238 operating a cardiopulmonary resuscitator or a person trained in
239 cardiopulmonary resuscitation in accordance with the guidelines set

240 forth by the American Red Cross or American Heart Association, or a
241 person operating an automatic external defibrillator, who, voluntarily
242 and gratuitously and other than in the ordinary course of such person's
243 employment or practice, renders emergency medical or professional
244 assistance to a person in need thereof, shall not be liable to such person
245 assisted for civil damages for any personal injuries which result from
246 acts or omissions by such person in rendering the emergency care,
247 which may constitute ordinary negligence. A person or entity that
248 provides or maintains an automatic external defibrillator shall not be
249 liable for the acts or omissions of the person or entity in providing or
250 maintaining the automatic external defibrillator, which may constitute
251 ordinary negligence. The immunity provided in this subsection does
252 not apply to acts or omissions constituting gross, wilful or wanton
253 negligence. With respect to the use of an automatic external
254 defibrillator, the immunity provided in this subsection shall only apply
255 to acts or omissions involving the use of an automatic external
256 defibrillator in the rendering of emergency care. Nothing in this
257 subsection shall be construed to exempt paid or volunteer firefighters,
258 police officers or emergency medical services personnel from
259 completing training in cardiopulmonary resuscitation or in the use of
260 an automatic external defibrillator in accordance with the guidelines
261 set forth by the American Red Cross or American Heart Association.
262 For the purposes of this subsection, "automatic external defibrillator"
263 means a device that: (1) Is used to administer an electric shock through
264 the chest wall to the heart; (2) contains internal decision-making
265 electronics, microcomputers or special software that allows it to
266 interpret physiologic signals, make medical diagnosis and, if
267 necessary, apply therapy; (3) guides the user through the process of
268 using the device by audible or visual prompts; and (4) does not require
269 the user to employ any discretion or judgment in its use.

270 (b) A paid or volunteer firefighter or police officer, a teacher or
271 other school personnel on the school grounds or in the school building
272 or at a school function, a member of a ski patrol, a lifeguard, a
273 conservation officer, patrol officer or special police officer of the

274 Department of Energy and Environmental Protection, or emergency
275 medical service personnel, who has completed a course in first aid
276 offered by the American Red Cross, the American Heart Association,
277 the National Ski Patrol, the Department of Public Health or any
278 director of health, as certified by the agency or director of health
279 offering the course, and who renders emergency first aid to a person in
280 need thereof, shall not be liable to such person assisted for civil
281 damages for any personal injuries which result from acts or omissions
282 by such person in rendering the emergency first aid, which may
283 constitute ordinary negligence. No paid or volunteer firefighter, police
284 officer or emergency medical service personnel who forcibly enters the
285 residence of any person in order to render emergency first aid to a
286 person whom such firefighter, police officer or emergency medical
287 service personnel reasonably believes to be in need thereof shall be
288 liable to such person for civil damages incurred as a result of such
289 entry. The immunity provided in this subsection does not apply to acts
290 or omissions constituting gross, wilful or wanton negligence.

291 (c) An employee of a railroad company, including any company
292 operating a commuter rail line, who has successfully completed a
293 course in first aid, offered by the American Red Cross, the American
294 Heart Association, the National Ski Patrol, the Department of Public
295 Health or any director of health, as certified by the agency or director
296 of health offering the course, and who renders emergency first aid or
297 cardiopulmonary resuscitation to a person in need thereof, shall not be
298 liable to such person assisted for civil damages for any personal injury
299 or death which results from acts or omissions by such employee in
300 rendering the emergency first aid or cardiopulmonary resuscitation
301 which may constitute ordinary negligence. The immunity provided in
302 this subsection does not apply to acts or omissions constituting gross,
303 wilful or wanton negligence.

304 (d) A railroad company, including any commuter rail line, which
305 provides emergency medical training or equipment to any employee
306 granted immunity pursuant to subsection (c) of this section shall not be
307 liable for civil damages for any injury sustained by a person or for the

308 death of a person which results from the company's acts or omissions
309 in providing such training or equipment or which results from acts or
310 omissions by such employee in rendering emergency first aid or
311 cardiopulmonary resuscitation, which may constitute ordinary
312 negligence. The immunity provided in this subsection does not apply
313 to acts or omissions constituting gross, wilful or wanton negligence.

314 (e) (1) For purposes of this subsection, "cartridge injector" means an
315 automatic prefilled cartridge injector or similar automatic injectable
316 equipment used to deliver epinephrine in a standard dose for
317 emergency first aid response to allergic reactions.

318 (2) Any volunteer worker associated with, or any person employed
319 to work for, a program offered to children sixteen years of age or
320 younger by a corporation, other than a licensed health care provider,
321 that is exempt from federal income taxation under Section 501 of the
322 Internal Revenue Code of 1986, or any subsequent corresponding
323 internal revenue code of the United States, as from time to time
324 amended, who (A) has been trained in the use of a cartridge injector by
325 a licensed physician, physician assistant, advanced practice registered
326 nurse or registered nurse, (B) has obtained the consent of a parent or
327 legal guardian to use a cartridge injector on his or her child, and (C)
328 uses a cartridge injector on such child in apparent need thereof
329 participating in such program, shall not be liable to such child assisted
330 or to such child's parent or guardian for civil damages for any personal
331 injury or death which results from acts or omissions by such worker in
332 using a cartridge injector which may constitute ordinary negligence.
333 The immunity provided in this subsection does not apply to acts or
334 omissions constituting gross, wilful or wanton negligence.

335 (3) A corporation, other than a licensed health care provider, that is
336 exempt from federal income taxation under Section 501 of the Internal
337 Revenue Code of 1986, or any subsequent corresponding internal
338 revenue code of the United States, as from time to time amended,
339 which provides training in the use of cartridge injectors to any
340 volunteer worker granted immunity pursuant to subdivision (2) of this

341 subsection shall not be liable for civil damages for any injury sustained
342 by, or for the death of, a child sixteen years of age or younger who is
343 participating in a program offered by such corporation, which injury
344 or death results from acts or omissions by such worker in using a
345 cartridge injector, which may constitute ordinary negligence. The
346 immunity provided in this subsection does not apply to acts or
347 omissions constituting gross, wilful or wanton negligence.

348 (f) A teacher or other school personnel, on the school grounds or in
349 the school building or at a school function, who has completed both a
350 course in first aid in accordance with subsection (b) of this section and
351 a course given by the medical advisor of the school or by a licensed
352 physician in the administration of medication by injection, who
353 renders emergency care by administration of medication by injection
354 to a person in need thereof, shall not be liable to the person assisted for
355 civil damages for any injuries which result from acts or omissions by
356 the person in rendering the emergency care of administration of
357 medication by injection, which may constitute ordinary negligence.
358 The immunity provided in this subsection does not apply to acts or
359 omissions constituting gross, wilful or wanton negligence.

360 (g) The provisions of this section shall not be construed to require
361 any teacher or other school personnel to render emergency first aid or
362 administer medication by injection.

363 (h) Any person who has completed a course in first aid offered by
364 the American Red Cross, the American Heart Association, the National
365 Ski Patrol, the Department of Public Health or any director of health,
366 as certified by the agency or director of health offering the course, or
367 has been trained in the use of a cartridge injector by a licensed
368 physician, physician assistant, advanced practice registered nurse or
369 registered nurse, and who, voluntarily and gratuitously and other than
370 in the ordinary course of such person's employment or practice,
371 renders emergency assistance by using a cartridge injector on another
372 person in need thereof, or any person who is an identified staff
373 member of a before or after school program, day camp or child care

374 facility, as defined in section 19a-900, and who renders emergency
 375 assistance by using a cartridge injector on another person in need
 376 thereof, shall not be liable to such person assisted for civil damages for
 377 any personal injuries which result from acts or omissions by such
 378 person in using a cartridge injector, which may constitute ordinary
 379 negligence. The immunity provided in this subsection does not apply
 380 to acts or omissions constituting gross, wilful or wanton negligence.
 381 For the purposes of this subsection, "cartridge injector" has the same
 382 meaning as provided in subdivision (1) of subsection (e) of this section.

383 (i) A school bus driver, on or in the immediate vicinity of a school
 384 bus during the provision of school transportation services, who
 385 renders emergency care by administration of medication with a
 386 cartridge injector to a student in need thereof who has a medically
 387 diagnosed allergic condition that may require prompt treatment in
 388 order to protect the student against serious harm or death, shall not be
 389 liable to the student assisted for civil damages for any injuries which
 390 result from acts or omissions by the school bus driver in rendering the
 391 emergency care of administration of medication with a cartridge
 392 injector, which may constitute ordinary negligence. The immunity
 393 provided in this subsection does not apply to acts or omissions
 394 constituting gross, wilful or wanton negligence. For the purposes of
 395 this subsection, "cartridge injector" has the same meaning as provided
 396 in subdivision (1) of subsection (e) of this section."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>July 1, 2018</i>	10-212c
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>July 1, 2018</i>	New section
Sec. 4	<i>July 1, 2018</i>	10-212a(a)(2)
Sec. 5	<i>July 1, 2018</i>	10-212a(c)
Sec. 6	<i>July 1, 2018</i>	10-212a(d)
Sec. 7	<i>July 1, 2018</i>	52-557b